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6 Counsel for Defendant  
GENARO DOMINGUEZ CHAVEZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

11 || UNITED STATES OF AMERICA,

4-13-70375 MAG

Plaintiff,

STIPULATION TO CONTINUANCE  
AND EXCLUSION OF TIME UNDER  
THE SPEEDY TRIAL ACT, 18 U.S.C. §  
3161 ET. SEQ.; ORDER

14 GENARO DOMINGUEZ CHAVEZ,

Defendant.

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
18 arraignment date of April 24, 2013 presently scheduled at 9:30 a.m., before the Honorable Donna  
19 M. Ryu, be vacated and re-set for May 9, 2013 at 9:30 a.m.

20 The requested continuance is necessary because defense counsel has recently received  
21 discovery and requires times to review it. The parties are presently negotiating a potential pre-  
22 indictment plea. The parties agree that an extension of time for the filing of an indictment, pursuant  
23 to 18 U.S.C. § 3161(b) and (h), is in the best interest of the defendant and the government and will  
24 provide the parties with necessary time to review discovery in the case and discuss a plea agreement.

The parties agree and stipulate that the time until May 9, 2013 should be excluded, under

1 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv), because the ends of justice served by  
2 the granting of the continuance outweigh the bests interests of the public and the defendant in a  
3 speedy and public trial. The parties further agree that the time for conducting a preliminary hearing  
4 should be extended, under Rule of Criminal Procedure 5.1(d) for the reasons stated above and with  
5 the consent of the defendant. The continuance is necessary to afford the Defendant effective  
6 preparation of counsel.

7 Date: April 23, 2013 /s/  
8 ELLEN V. LEONIDA  
9 Assistant Federal Public Defender  
Counsel for defendant Genaro Chavez

10 Date: April 23, 2013 /s/  
11 KEVIN J. BARRY  
12 Assistant United States Attorney

### 13 ORDER

14 The court finds that the ends of justice served by the granting of the continuance outweigh  
15 the bests interests of the public and the defendant in a speedy and public trial. The continuance is  
16 necessary to afford the defendant effective preparation of counsel. Based on these findings, IT IS  
17 HEREBY ORDERED THAT the above-captioned matter is continued to May 9, 2013 at 9:30 a.m.,  
18 before the Oakland Duty Magistrate, and that time is excluded until May 9, 2013 pursuant to 18  
19 U.S.C. § 3161(h)(7)(a) and 18 U.S.C. §3161(h)(7)(B)(iv). For good cause, and with the consent of  
20 the defendant, the time for conducting a preliminary hearing is extended to May 9, 2013 pursuant  
21 to Rule 5.1(d).

22 IT IS SO ORDERED.

23   
4/23/2013 \_\_\_\_\_  
24 Date HON. DONNA M. RYU  
25 UNITED STATES MAGISTRATE JUDGE  
26